

# **SUPERIOR COURT OF CALIFORNIA**

**County of San Diego**

**DATE: May 9, 2006**

**DEPT. 71**

**REPORTER A:**

**CSR#**

**PRESENT HON. Ronald S. Prager**

**REPORTER B:**

**CSR#**

**JUDGE**

**CLERK: K. Sandoval**

**BAILIFF:**

**REPORTER'S ADDRESS: P.O. BOX 120128**

**SAN DIEGO, CA 92112-4104**

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## **MINUTE ORDER**

**IN RE: JCCP 4221/4224/4226&4428 – Natural Gas Anti-Trust Cases (Pipeline)**

**The attached Court's ruling regarding Class Plaintiffs Motion for Clarification of the Settlement Class Definition applies to all cases listed as follows:**

4221-00001	PHILLIP vs EL PASO MERCHANT ENERGY
4221-00002	PHILLIP vs EL PASO MERCHANT ENERGY
4221-00003	CONTINENTAL FORGE COMPANY vs SOUTHERN CALIFORNIA GAS COMPANY
4221-00004	BERG vs SOUTHERN CALIFORNIA GAS COMPANY
4221-00005	THE CITY OF LONG BEACH vs SOUTHERN CALIFORNIA GAS COMPANY
4221-00006	THE CITY OF LOS vs SOUTHERN CALIFOR
4221-00005	SWEETIE'S A CALIFORNIA PARTNERSHIP vs EL PASO CORPORATION
4221-00006	THE CITY OF LOS ANGELES vs SOUTHERN CALIFORNIA GAS COMPANY
4221-00007	SWEETIE'S A CALIFORNIA PARTNERSHIP vs EL PASO CORPORATION
4221-00008	CALIFORNIA DAIRIES INC vs EL PASO CORPORATION
4221-00009	DRY CREEK CORPORATION (JCCP 4228) vs EL PASO NATURAL GAS COMPANY
4221-00010	HACKETT vs EL PASO CORP
4221-00011	THE COUNTY OF LOS ANGELES vs SOUTHERN CALIFORNIA GAS COMPANY
4221-00012	THE CITY OF VERNON vs SOUTHERN CALIFORNIA GAS COMPANY
4221-00013	WORLD OIL CORP vs SOUTHERN CALIFORNIA GAS COMPANY
4221-00014	CITY OF UPLAND vs SOUTHERN CALIFORNIA GAS COMPANY
4221-00015	THE COUNTY OF SAN BERNARDINO vs SOUTHERN CALIFORNIA GAS COMPANY
4221-00016	EDGINGTON OIL COMPANY vs SOUTHERN CALIFORNIA GAS COMPANY
4221-00017	THE CITY OF CULVER CITY vs SOUTHERN CALIFORNIA GAS COMPANY
4221-00018	THE CITY OF BURBANK vs SOUTHERN CALIFORNIA GAS COMPANY
4221-00019	THUMS LONG BEACH COMPANY vs SOUTHERN CALIFORNIA GAS COMPANY

This matter was taken under submission on April 17, 2006. The Court invited the parties to submit further papers based on the arguments of counsel at the hearing. The Court received (1) a revised proposed order from Class Plaintiff's counsel, dated April 21, 2006; (2) a response of the People of the

**JCCP 4221 MOTION FOR CLARIFICATION OF SETTLEMENT CLASS MAY 10, 2006**

State of California to Plaintiffs' proposed order dated May 3, 2006; and (3) a response from Sempra Energy, SoCalGas and SDG&E's to the proposed order and response of the Attorney General dated May 3, 2006.

The Court has reviewed the original papers and new papers submitted by the parties, the arguments of counsel at the hearing and the applicable law. The Court rules as follows.

The Motion of Class Plaintiffs for Clarification of the Settlement Class Definition is DENIED.

The Court remains unpersuaded that the requested clarification constitutes a simple amendment of the class definition and not an effective amendment to the terms of the settlement agreement. In its most simple application the requested amendment to the class definition alters the fundamental perspective of the parties' respective bargaining positions. This is evidenced in the continuing failure to agree on appropriate language in the proposed orders of Class Plaintiffs and the Attorney General. It is further evidenced in Sempra's continued opposition to any clarification or amendment to the class definition.

After the completion of extensive settlement negotiations which resulted in a comprehensive, detailed settlement agreement, it appears events following the settlement negotiations have revealed concerns with the language of the agreement. The Court declines to intervene in attempts to reconcile those concerns after the agreement was fully negotiated, and without consent of all parties.

Further, the Court continues to view this matter as a request to weigh in on the effect of the settlement agreement on pending and/or future litigation not subject of this action. As such, the request is denied.

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